

## **EXHIBIT 2**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ABN AMRO BANK N.V. (presently known as The  
Royal Bank of Scotland, N.V.),

Defendant.

Adv. Pro. No. 11-02760 (SMB)

**[PROPOSED] ORDER CERTIFYING JUDGMENT FOR DIRECT APPEAL TO THE  
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
PURSUANT TO 28 U.S.C. § 158(d)(2) AND FED. R. BANKR. P. 8006(f)**

On November 22, 2016, this Court entered the Memorandum Decision Regarding Claims to Recover Foreign Subsequent Transfers (the “Memorandum Decision”), directing dismissal of the Trustee’s remaining claim against defendant ABN AMRO N.V. (presently known as The Royal Bank of Scotland, N.V.). *See Securities Investor Protection Corp. v. Bernard L. Madoff Investment Secs. LLC (In re Madoff)*, No. 08-01789 (SMB), ECF No. 14495.

On March 3, 2017, this Court entered the Stipulated Final Order Granting Motion to Dismiss Complaint (the “Judgment”), a copy of which is annexed hereto as Exhibit A. *Picard v. ABN AMRO Bank, N.V.*, Adv. Pro. No. 11-02760, ECF No. 74.

On March 14, 2017, the Trustee filed a Notice of Appeal, *id.* ECF No. 75, and the Trustee filed the Trustee’s Request for Certification of Judgment for Direct Appeal to the United States Court of Appeals for the Second Circuit Pursuant to 28 U.S.C. § 158(d)(2) and Fed. R. Bankr. P. 8006(f) (the “Motion”). *Id.* ECF No. [ ].

Defendant ABN AMRO Bank, N.V. [filed / did not file] an objection to the Motion. [*Id.* ECF No. [ ].]

Upon the Trustee’s Motion, and adequate notice of the Motion having been given, and a hearing having been held on March 29, 2017, and after due deliberation and sufficient cause appearing therefor, the Court being satisfied that the Motion sets forth a valid and proper basis for the relief granted herein, it is hereby:

**ORDERED**, the Motion is granted pursuant to 28 U.S.C. § 158(d)(2)(A) because the Judgment: (i) involves controlling questions of law of public importance; (ii) involves questions of law requiring resolution of conflicting decisions; and (iii) an immediate appeal from the Judgment will materially advance the progress of the case; and it is further

**ORDERED** that the Court hereby certifies the Judgment for direct appeal to the United States Court of Appeals for the Second Circuit.

Dated: March \_\_, 2017  
New York, New York

---

**HONORABLE STUART M. BERNSTEIN**  
**UNITED STATES BANKRUPTCY JUDGE**